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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/772,803	02/05/2004	Jeffrey M. Tackman	5405-287	5213
20792	7590	07/30/2008		
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EXAMINER				
CHANG, LI WU				
ART UNIT		PAPER NUMBER		
2142				
MAIL DATE		DELIVERY MODE		
07/30/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/772,803

Applicant(s)

TAEKMAN ET AL.

Examiner

LIWU CHANG

Art Unit

2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-85/86)
Paper No(s)/Mail Date 02/05/2004
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-18 are pending.

Specification

2. The title of the invention is not descriptive. The title "weighted decision making systems, methods and computer program products" is so broad that it may cover many aspects of decision making which are not parts of the invention. In addition, it fails to indicate the inventive concept in user's choices. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 102

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claims 1, 3-6, 7, 9-12, 13, 15-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Dool (US Pub. No. 2003/0078900 A1), and hereinafter Dool.**
4. With respect to claim 1, Dool discloses a computer-based decision making method for selecting a choice from a plurality of choices (**Dool**: [0049], L 1-7), comprising:

displaying to a user a set of criteria that pertain to the plurality of choices (**Dool**: [0009], L 2-5, "... receiving in a computer system a set of alternative choices and a set

of criteria by which the set of alternative choices may be evaluated...", and [0034], L 3-4, "... users input possible solutions or alternatives to the problem ... then identify relevant criteria to be used to compare possible solutions");

accepting user selection of at least a subset of the criteria (**Dool:** [0009], L 8-9, "Each weight indicates importance of a respective criterion from set of criteria", and [0034], L 4-6, "Users then identify relevant criteria to be used ..." imply user selection of a subset of criteria);

accepting user input of weights for the criteria that were selected (**Dool:** [0009], L5-9, "The computer system also receives ... a set of weights. Each weight indicates importance of a respective criterion from set of criteria", and [0034], L 5-7, "Users also decide whether some criteria are more important than other criteria in the evaluation process");

accepting user input of a numeric rating for the criteria that were selected, for each of the plurality of choices (**Dool:** [0034], L 6-12, "... users are then designated to assess how possible solutions to the problem rate according to each criterion under consideration. To do this, the assessing users consider each criterion individually and are possible solutions", wherein a solution may refer to the selection of an alternative or a choice);

calculating a score for each choice by summing the products of the numeric rating and the weight for the criteria that were selected (**Dool:** [0178] describes the summation of products of numerical rating); and

displaying at least one of the choices based on the scores that were calculated (**Dool:** [0089], "... final analysis ... is provided ... including a ranking of alternatives and a final recommendation", wherein an alternative includes the selection of a choice).

5. With respect to claim 7, the claim is substantially the same as claim 1, and therefore, it is rejected for the same reason as in claim 1 above.

6. With respect to claim 13, the claim is substantially the same as claim 1, and therefore, it is rejected for the same reason as in claim 1 above.

7. With respect to claims 3, 6, and 9, Dool discloses wherein the following is performed prior to calculating a score for each choice: scaling the weights (**Dool:** [0099] describes the value mapped from different metrics to the grade domain subject to the upper and lower bounds).

8. With respect to claims 4, 10, 16, Dool discloses wherein displaying to a user a set of criteria that may pertain to the plurality of choices comprises: displaying the set of criteria arranged in groups of criteria (**Dool:** Figure 7, block 704 shows the criteria hierarchy).

9. With respect to claims 5, 11, and 17, Dool wherein displaying at least one of the choices based on the scores that were calculated comprises: displaying a ranking of the

plurality of choices based on the scores (**Dool**: [0089], L 9-11, "... including a ranking of alternatives ..." based on evaluation methods, as in [0097]).

10. With respect to claims 6, 12 and 18, Dool discloses analyzing the criteria that were selected, the weights and/or the scores for a plurality of users (**Dool**: [0067], "the operation of various other modules in the system and either performs or assists with final evaluation of the results. Upon conclusion of intermediate evaluations, the results provided by criteria manager module 424, evaluation manager module 434 and weighting manager module 444 are used by system 400 to determine grades for various criteria and alternatives. These grades are communicated to project manager module 452", describe analyzing the weights and scores for plurality of users, [0032], L 1-4)).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. **Claims 2, 8 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dool, as applied to claims 1, 7 and 13 above, in view of Stiegler (US Patent No. 5774121), and hereinafter Stiegler.**

12. With respect to claims 2, 8 and 14, Dool fails to expressly disclose "displaying to the user different interpretations that a selected criterion may have" and "accepting user input as to a desired interpretation for the selected criterion".

Stiegler discloses "displaying to the user different interpretations that a selected criterion may have" (**Stiegler**: "... the user is able to ... modify the text for the criteria explanation ..." imply display to user the different interpretations); and accepting user input as to a desired interpretation for the selected criterion (**Stiegler**: "... the user is able to enter ... the text for the criteria explanation in the criteria explanation text window" imply accepting user input as to the interpretation of the selected criterion).

It would have been obvious for one of ordinary skill in the art at the time of invention to incorporate the service for processing user's input of different explanation text, as taught by Stiegler, into the teachings of Dool in order to leverage the interface capability in a distributed environment.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LIWU CHANG whose telephone number is 571-270-3809. The examiner can normally be reached on 8:30AM - 6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Vincent can be reached on 571-272-3080. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/L. C./
Examiner, Art Unit 2142
/David R Vincent/
Supervisory Patent Examiner, Art Unit 2129

July 27, 2008